

REMARKS

The final Office Action dated November 9, 2009 has been carefully reviewed. Claims 1, 3, 6, 7 and 8 have been amended. Claims 1-3 and 6-12 are pending in the application. It is respectfully requested the Examiner reconsider the present invention in light of the following remarks.

35 U.S.C. §112 Rejection

The Examiner rejected claims 1-3 and 6-12 under 35 U.S.C. §112 for failing to comply with the written description requirement. Specifically, the Examiner asserted that independent claim 1 calls for “replacing” and asserts there is no support in the specification as filed. Claim 1 has been amended to require “updating”, support for which may be found throughout the specification and specifically at least in paragraphs [0018], [0023], [0027]-[0031], [0037] and [0047].

It is respectfully asserted that the amended claim complies with the written description requirement. It is respectfully requested the Examiner withdraw the rejection under 35 U.S.C. §112.

35 U.S.C. §103 Rejection

The Examiner maintained the rejection of claims 1-3 and 6-12 under 35 U.S.C. §103 as being unpatentable over US Pub. No. 2002/0003489 to Samukawa et al., hereinafter Samukawa in view of US Pub. No. 2005/0228551 to Wolfe. It is respectfully asserted that the present invention is patentable over the cited references for the reasons provided hereinafter.

A major difference between the present invention and the cited reference is that the present invention discloses detecting an information signal that contains an updated pre-coded setting directly from the off-board vehicle setting update device. The off-board vehicle setting update device 24 contains the updates in the signal 28 that is transmitted to the vehicle controller 18 on the vehicle 10 (see Figure 3). Independent claim 1 and dependent claims 3, 6, 7, and 8 have been amended to more clearly define this aspect of the present invention. Support for the claim amendments may be found throughout the specification and at least specifically at paragraphs [0027]-[0047].

According to the teachings of Samukawa, an off-board signal is detected by a sensor on the vehicle. However, Samukawa does not teach or disclose that any signals received by the sensor are for the purpose of updating vehicle settings, nor does the reference teach that signals are being transmitted by the off-board device. Instead Samukawa teaches that any such signals are generated on-board the vehicle. So sensed signal information and updated signal information is not being sent from off-board vehicle as claimed in the present invention, but instead is being detected, processed and updated on-board the vehicle.

According to the teachings of Samukawa, any signal that would actually be applied for updating settings on-board the vehicle is being generated on the vehicle itself and is not coming from off-board the vehicle. The vision sensor on the vehicle in Samukawa is merely recognizing or detecting information about an object in front of the vehicle. So while the Samukawa reference may disclose detecting an “object” from an off-board vehicle, it is detecting distance information and/or calculating speed information and does not teach or disclose detecting an updated pre-coded setting signal from an off-board vehicle setting update device that is taught and claimed in the present invention. According to the teachings of Samukawa, all of the processing that results in a signal or command that will modify vehicle settings also takes place on the vehicle itself. See the Abstract and paragraph [0048] which teach and disclose detecting distance information between the vehicle and a source off-board the vehicle. The off-board source in Samukawa is not actually transmitting signals. Furthermore, distance and angle information sensed by the vehicle is then processed onboard the vehicle. Only after on-board processing is determination made as to whether or not adjustments to vehicle settings need to be made. Furthermore, once an adjustment is deemed necessary, the adjustment itself is determined on-board the vehicle and is not being transmitted from the off-board device as claimed in the present invention.

In light of this further explanation, it is respectfully asserted that the teachings of Samukawa are significantly different than the present invention, which teaches and claims detecting a signal from an off-board device, which signal includes updated settings that are to be applied to the vehicle that receives the signal.

It is respectfully asserted that the teachings of Samukawa fail to disclose each and every aspect of the present invention even if combined with a reference that teaches a vehicle under production. It is respectfully asserted that the combined references would still not result in the

Applicants' invention. The combination of references would still require that any received signal information be analyzed and processed on-board the vehicle before determining whether an update to the vehicle settings should be made and what that updated setting should be.

It is respectfully requested the Examiner withdraw the rejection of the claims under 35 U.S.C. §103.

CONCLUSION

In light of the above amendments and remarks, applicant submits that the claims are in condition for allowance, and requests that the outstanding rejections be withdrawn. A formal Notice of Allowance is requested. If a telephone conference would expedite allowance of the claims, the examiner is invited to telephone Applicants' Attorney at (480)200-2054.

If the USPTO determines that a fee is due, the Commissioner is hereby authorized to charge any fee to Deposit Account No. 06-1510.

Respectfully submitted,

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